



COUNCIL REPORT
Development Services
For the September 3, 2019 Council Meeting

DATE: August 23, 2019 File: Z 19-05
TO: Paul Gipps, CAO
FROM: Carla Eaton, Planner III
RE: Application: OCP and Zoning Amendment Bylaw (Z 19-05)
Legal: Lot 1, DL 2602, ODYD, Plan KAP85779 Except Plan
EPP21757
Address: 2370 Tallus Ridge Drive
Owner: Uday Development Inc. (BC1080647)
Agent: Protech Consulting / Kyle Lorincz

RECOMMENDED MOTION:

THAT Council give third reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.56, 2019 (File: Z 19-05); and

THAT Council give third reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.76, 2019 (File: Z 19-05); and

THAT Council direct staff to schedule the bylaws for consideration of adoption following:

- Submission of design drawings and cost estimates to the satisfaction of the Director of Development Services for the following:
 - Construction of municipal road and utilities connecting Mountain Hollows Lane to the subject property;
 - Upgrades to the pedestrian right of way at the north end of the property (CA5016164); and
 - Construction of a 3 m wide pedestrian right of way through the south end of the property;
- Confirmation of the registration of a Section 219 covenant to require:
 - Construction of the extension of the municipal road and utilities connecting Mountain Hollows Lane with the development site;
 - Upgrades to the registered pedestrian right of way (CA5016164) to the City's Nature Trail Standard at time of future development;
 - Registration of a statutory right of way and construction of a 3.0 m wide pedestrian access connecting through the proposed strata lot and Tallus Ridge Drive at time of future development; and
 - Ongoing maintenance and inspection of rock fall areas by property owners, including debris removal, in accordance with the updated geotechnical recommendations.

RATIONALE:

The recommended motion is based on the following:

- Residential policies encourage the sensitive integration of different housing forms in all residential growth areas in support of neighbourhood diversity and healthy communities.
- Infill development makes more efficient use of community services and reduces development pressures at the urban fringes.
- While increasing the density from 8 units to approximately 17 units over the new R3 area, no additional disturbance is anticipated as the townhouse units will roughly follow the original site layout for the single family development.
- The future development permit process will address hillside (grading and rock fall mitigation) and form and character issues with the proposed townhouse development.
- The previous rezoning process already protected sensitive areas through the registration of a covenant, as well as secured right of way for trail connections through the site.
- The applicant has agreed to provide additional trail connections through the new development area at time of future development to be finalized as part of the future development permit.
- The proposal was supported by the City's Advisory Planning Commission (APC) and Agricultural Advisory Committee (AAC).

LEGISLATIVE REQUIREMENTS:

Council has the authority under Part 14 (s. 479) of the *Local Government Act (LGA)* to amend its Zoning Bylaw.

BACKGROUND:

The purpose of this report is to provide Council with an overview of the Public Hearing held for this application on July 9, 2019, request consideration of third reading, and confirm conditions of adoption for the proposed bylaw amendments. Council gave the proposed bylaw amendments first and second reading on June 11, 2019.

Overview of Proposal

This Official Community Plan (OCP) and Zoning Amendment Application proposes to adjust the OCP land use designations and zoning boundaries to expand an existing multiple family (R3) zoned area and reduce the existing single detached (R1) zoned area (*Attachments 1, 2, 3 and 4*). The new R3 zone (approx. 17 townhouse units) will be combined with the existing R3 zone (approx. 9 townhouse units) to facilitate the proposed 26 unit townhouse strata development (Figure 1 – shows the combined R3 zones in black dotted line). The proposed amendments will also allow realignment of the A1 zone along the proposed strata road to ensure the Low Density

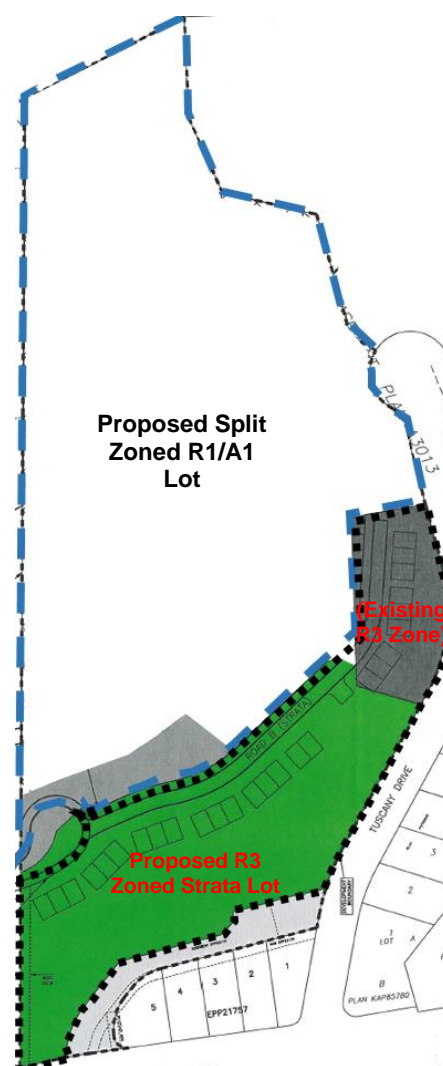


Figure 1 – Preliminary Lot Layout

Residential strata lot is not split zoned. The amendment will increase the proposed residential density from 8 single family dwelling units to approximately 17 townhouse dwelling units.

Overview of Public Hearing

A Public Hearing was held on July 9, 2019. Eight written submissions were received prior to the meeting noting the concerns/questions about the following:

- Increased traffic/timing of the roundabout at Tallus Ridge Drive and Shannon Lake Road;
- Lack of emergency access routes from the Tallus neighbourhood;
- Impact of future blasting on existing homes;
- Outstanding rock scaling above Tuscany Drive;
- Future maintenance on rock cuts (debris/inspection);
- Noise and traffic with future construction and use;
- Future location of townhouses.

Seven people spoke at the meeting including the applicant's agent posing questions and noting the following:

- Concern with overall density increases in the area creating visual and environmental impacts, as well as potential negative form and character changes within the localized neighbourhood;
- Concern with traffic impacts beyond the development and limited access to the neighbourhood;
- Concern with blasting and rock removal, as well as vibration impacts to adjacent homes although it was noted that the majority of rock blasting has already been completed by the previous owner and remaining rock work to be done is minimal and will include benching and cleaning up the site;
- Status of the geotechnical reporting and outstanding rock fall maintenance and when this will be reviewed by the applicant's geotechnical engineer with an updated report based on their site inspection;
- Concern with adequate rock fall protection, erosion and drainage so as to eliminate any potential impacts on downslope residents; and
- Concern specifically with ongoing inspection of rock slopes and required debris removal.

Additionally, Council posed questions related to concerns with the following:

- Blasting procedures; and
- Outstanding rock fall inspections and debris removal.

The following sections provide some follow-up to these identified issues and questions, as well as elaborate on the proposed conditions of zoning noted at public hearing.

Density Considerations (Estimated Dwelling Units / Population Increases / Layout)

The preliminary development concepts for the subject property include one (1) single family residential lot and approximately 26 townhouse units within the R3 zone, with an approximate population of 70 people¹. This number includes the proposed increase of 23 additional people associated with the increased residential density from 8 single family dwelling units to approximately 17 townhouse dwelling units. These numbers may be refined through the development permit process and are presented as conceptual at the rezoning stage. Based on questions from the public,

¹ Based on Stats Canada 2017 data averages for number of persons per dwelling unit for West Kelowna in single detached or semi-detached dwellings

it was further clarified at the public hearing that the proposed R3 zone did not include the entire subject property and was only a portion located at the southern tip.

Zoning Regulation and Building Form Considerations (Maximum Height and Front Setback)

The proposed bylaw amendments are primarily a refinement to the boundary of the existing A1, R1 and R3 zones which will increase the R3 zone leaving a smaller R1 area, as well as rezoning a small portion of the A1 zone to re-align the R3 zone boundary with the proposed strata road. The maximum building height (Table 1) for both these zones is 9.0 m to a three story maximum. The front parcel boundary setback is also the same for both zones (4.5 m, except 6.0 m to a garage or carport having entry from the front). Neither of these regulations is being amended with the proposed zoning bylaw amendments. Additional setback from the rock slopes are addressed through the geotechnical recommendations (noted below).

Table 1: Zoning Bylaw No. 0154 (R1 and R3 Regulations)

Regulation	R1 Zone	R3 Zone
Principal uses	<ul style="list-style-type: none"> Single detached dwelling 	<ul style="list-style-type: none"> Duplex Townhouse Care facility Group home
Maximum density	<ul style="list-style-type: none"> 1 dwelling per parcel Only 1 sec. suite or only 1 carriage house per parcel 	0.75 FAR
Maximum parcel coverage	40%	40%
Maximum building height	9.0 m (three story max.)	9.0 m (three story max.)
Front parcel setback	4.5 m, except 6.0 m to garage/carport entry	4.5 m, except 6.0 m to garage/carport entry

Blasting and Vibration Considerations

As noted by the agent at the Public Hearing, the majority of the blasting and rock removal has already been completed by the previous owner and remaining rock work to be done is minimal and will include benching and cleaning up the site. Should any additional blasting be required, the City's Application for Blasting Permit² requires the Blaster to provide confirmation of the following:

- Valid Business Licence;
- Blasting Certificate issued by WorkSafe BC;
- Site plan of the area within 300 m of the blasting site;
- Commercial General Liability insurance covering the blasting site and all operations related to the blasting work; and contact information of the insurance company naming the City as an additional insured;
- Name and contact number for the independent company which will carry out a vibration and air over pressure monitoring; and
- A communication plan for the area located within 300 m from edge of blast, where owners and occupiers within the area will be notified of the following:
 - Description and purpose of the blasting to be done;
 - Dates on which blasting will occur;
 - Times when blasting will occur;
 - Methods intended to safeguard persons and property, including plan of vibration and air over pressure monitoring;

² As per the Good Neighbour Bylaw No. 0151

- Signals and other warning methods used to inform those nearby of an impending blast;
- Name, telephone number, cellular telephone number and email address of the blaster; and
- Name, address, and telephone number of the blaster's insurer; and
- Information of any proposed road closures, detours, etc.

Geotechnical Stability and Rock Fall Protection Considerations

Following the Public Hearing, a Geotechnical Update Report including a Rock Face Stability Assessment³ was submitted to augment the original Geotechnical Review⁴. The update report clarifies recommendations for maintenance and inspection and distinguishes between the Lower Rock Cut above Tuscany Drive (Figure 2) and Upper Rock Cut which is below the proposed single family lot and access. The new report references the original report which noted:

- the site is anticipated to be suitable for the proposed residential development and appears adequate for the intended purpose;
- provided an opinion that the land may be used safely for the use intended, conditional upon several recommendations regarding:
 - site preparation;
 - foundation design;
 - site grading;
 - drainage considerations; and
 - rock cut slopes;
- where the rock cut conditions require:
 - specific catchment areas;
 - clear zones;
 - chain link fencing above the rock cuts;
 - ongoing and routine maintenance of the rock cuts (i.e. scaling and removal of debris from the toe of the cut); and
 - requires signage to warn about the rock fall hazard.



Figure 2 - Photo of Lower Rock Cut above Tuscany Drive (on subject property)

Based on these recommendations, the applicant is preparing to proceed with the recommended works that will address both the outstanding conditions association with the previous development permit (DP 15-20) for works along Tuscany Drive⁵, as well as the new recommended shotcrete repair, rock scaling and debris removal on the upper and lower rock cuts. The future DP review process will also review specific site conditions limiting potential buildable area and any specific recommendations would be applicable at subdivision and constructed as a condition of future development and building permit stages.

³ Dr. Dwayne Tannant, P. Eng., dated July 25, 2019

⁴ Interior Testing Services Ltd., dated August 16, 2016

⁵ A covenant registered as a condition of the previous rezoning (Z 14-06) required hazard mitigation on the rock cut along Tuscany Drive, which is approximately 280 metres long and has a height above the road that varies from 13 to 18 metres (Figure 2). It was recommended that the rock cut is scaled every five years and that the future strata development owners will inherit the maintenance and liability for the rock cut (approximately 194 m) as it lies on private lands.

Potential Development Impacts Related to Construction

The public expressed concerns regarding potential impacts associated with construction related to increased traffic, noise, dust, etc., as well as downstream impacts related to changes to storm water and/or erosion. These types of potential impacts are typically considered and addressed through the City's development permit process and subdivision design, where detailed construction management plans can be established where warranted. Additionally, the Good Neighbour Bylaw No. 0151 also regulates construction noise between the hours of 8:00 pm to 7:00 am. It should further be noted that some construction traffic concerns were addressed at the public hearing through the clarification of the proposed access to the development.

Protection of Natural Areas

The subject property lies within the Wildfire, Sensitive Terrestrial and Hillside Development Permit areas and the proposed low density multiple family strata development will also require a separate form and character Multiple Family Residential Development Permit to facilitate any future Building Permits which are required to be presented for Council consideration.

Wildfire Interface DPA

A Wildfire Hazard Assessment was completed as part of previous development (Mosaic Forest Management Ltd., dated January 24, 2006) that designates the property as having a moderate to high wildfire hazard rating. At that time a wildfire (mitigation) covenant was also registered on title that requires wildfire mitigation works prior to construction. To qualify for an exemption from the requirement to obtain a Wildfire Interface DP, a wildfire (building materials) covenant must be registered on title at time of subdivision.

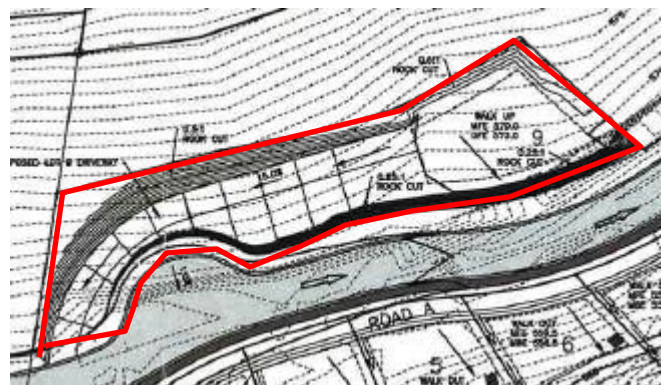
Sensitive Terrestrial Ecosystem DPA

The proposal is exempt from the requirement to obtain a Sensitive Terrestrial Ecosystem DP based on recommendations in an Environmental Assessment that was completed as part of the associated rezoning application (File: Z 14-06). The recommendations included the protection of additional environmentally sensitive areas located near the north end of the parcel (outside the development area). A no build/no disturb restrictive covenant was registered on title as a condition of rezoning.

Hillside DPA

As noted above, a Hillside DP (DP 15-20) was issued for the previous single family residential subdivision, which will now only apply to the remaining R1 zoned area (Figure 3). The townhouse strata development in the larger R3 zoned area has proposed a new internal access road and site grading that will be required to be reviewed through a combined hillside and form and character DP as portions of the site are comprised of steep slopes. Existing site conditions noted with Council's previous consideration of the zoning and DP with variance included:

- Slopes typically in the range of 30 to 40%+.
- A rock cut (cliff face) along Tuscany Drive typically in excess of 10 metres high up to 18 metres high.
- A rock cut in the vicinity of the proposed access road in the range of 8 to 10 metres high.
- Additional site disturbances associated with unapproved preliminary road construction and site grading.



Requirements associated with these conditions will be addressed at time of future subdivision, or at time of future development permit for the larger R3 zone.

Figure 3 – Proposed R1 Portion of Split Zoned Lot

Transportation and Site Access Considerations:

Based on questions from the public, it was clarified at the Public Hearing that although the parcel has frontage on both Tuscany Drive and Tallus Ridge Drive, access will be obtained off Mountains Hollow Lane (through the adjacent lands to the west). Other access is limited due to the topography of the site. A portion of the new road is currently underway (Figure 4 – blue arrows) through works on the adjacent property authorized by development permit (DP 18-16 Nature's Gate multiple family development). As the road will be dedicated but not constructed all the way to the subject property, any unfinished portion of the road (Figure 4 – red arrows) is required to be constructed at time of future development as a condition of the zoning amendment, including a preliminary design drawing and cost estimate to the satisfaction of the Director of Development Services. From the property line, the owner has proposed a short access road to the site terminating in a cul-de-sac, which would be the access point for the private driveway to the R1 lot, as well as the access point for the private strata road.

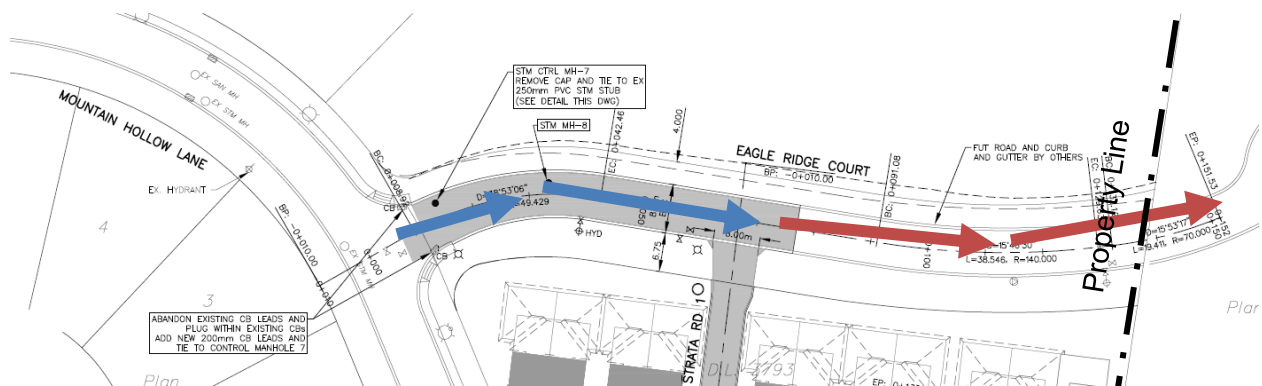


Figure 4 – Proposed Access from Mountains Hollow Lane to Subject Property

Tallus Neighbourhood Access Considerations

Additional public concerns were expressed regarding the limited access points into the Tallus neighbourhood and how additional density might affect egress during emergencies. Specific comments noted the bollards limiting access between Paramount Road and Shannon Heights Place, lack of connection to Asquith Road from both Paramount Drive and Tallus Ridge Drive, and the timing for the future roundabout at Shannon Lake Road and Tallus Ridge Drive (locations as shown in Figure 5 below). As per recommended NFPA standards, it is anticipated that connections to Asquith Road will be triggered when the number of units exceeds a maximum of one hundred (100) units on either Paramount Drive or Tallus Ridge Drive and would likely be noted as a condition of the applicable phase of subdivision. The continued use of the bollards to block access between Paramount Drive and Shannon Heights Place was previously considered by Council, where it was determined that they were to remain in place. The intersection of Tallus Heights Drive and Shannon Lake Road has been identified for a roundabout for 2030 based on a review in 2015. City Engineering continues to monitor that intersection as development and growth progresses and will include the improvements in a future 10 year plan/budget when improvements are warranted.

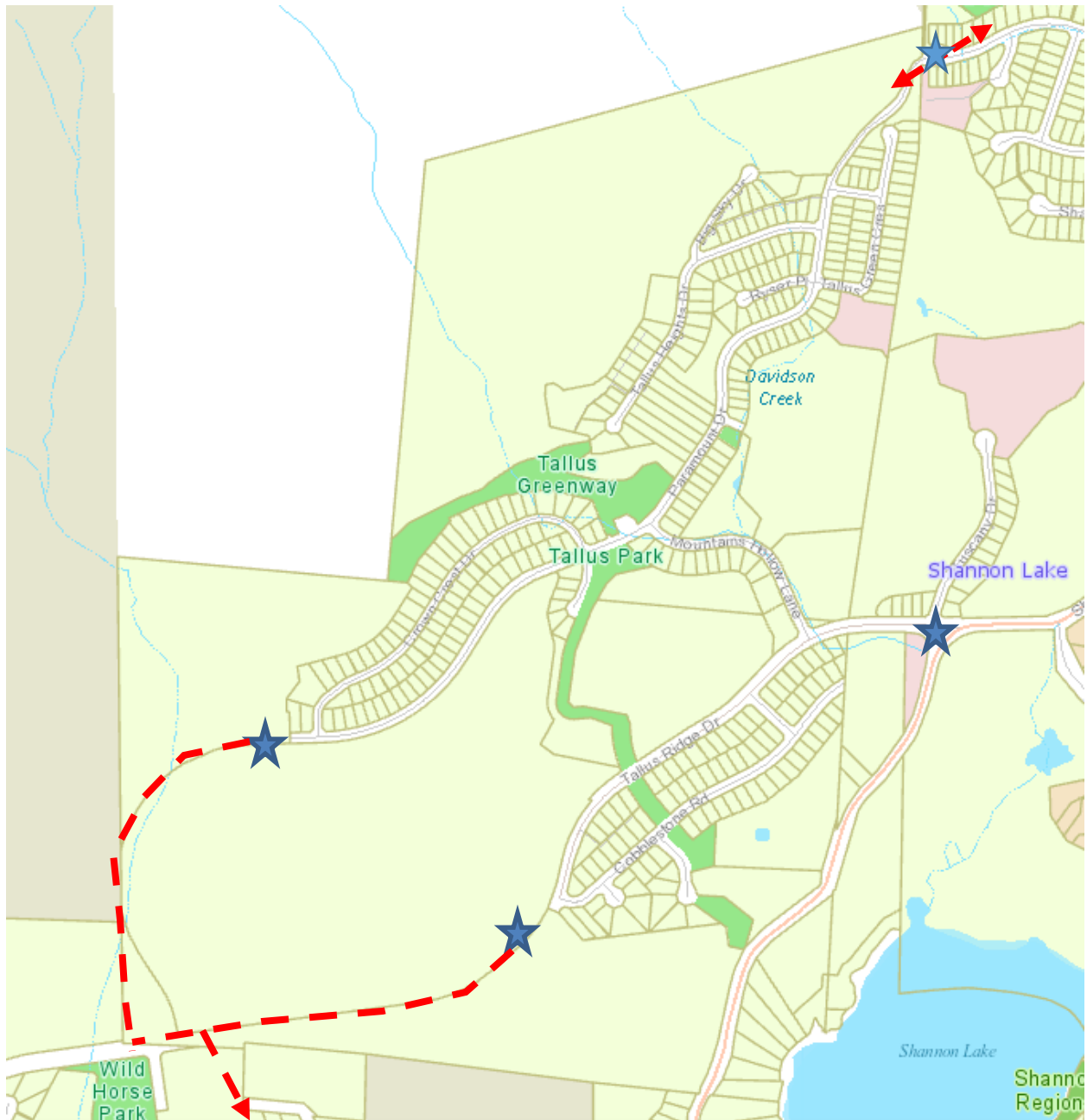


Figure 5 – Tallus Neighbourhood Access Points (Future and Existing)

Servicing Considerations

A Servicing Report was submitted that notes that the site can be adequately serviced in accordance with the Works and Services Bylaw No. 0249 requirements. A 6.0 metre wide utility corridor for sanitary sewer and storm services is proposed extending from the proposed townhouse development road down to Tallus Ridge Drive. Additional review has noted that off-site watermain improvements are required to extend through the road reserve to the west, and stormwater runoff from the road extension must also be confirmed. It is recommended that any works through the road extension are required to be constructed at time of future development and will be required as a condition of the zoning amendment (including a preliminary design drawing and cost estimate to the satisfaction of the Director of Development Services prior to adoption).

Pedestrian Access Considerations:

As a condition of the previous rezoning, the owner registered a statutory right of way securing pedestrian access (CA5016164) along the north end of the property adjacent to the golf course (Figure 6 – red arrow). As the condition of this trail is poor, it is recommended that the trail is upgraded to the City's Nature Trail Standard at time of future development as condition of zoning amendment.



Figure 6 – Trail Connections

The previous development proposal also included a right of way over the proposed utility corridor that would have accommodated public access through the south end of the property, as well as requiring construction to a narrow multi-use trail standard (Figure 6 – yellow dashed line). However, given that the conditions of DP 15-20 will not apply to the proposed R3 townhouse portion of the site as a new form and character DP will be required, it is recommended that the statutory right of way and construction of the pedestrian trail connection over the utility corridor is

required at time of future development (to include preliminary design drawing and cost estimate to the satisfaction of the Director of Development Services).

COUNCIL REPORT/RESOLUTION HISTORY:

Date	Report Topic/Resolution	Resolution No.
Jul 9, 2019	Public Hearing held	N/A
Jun 11, 2019	THAT Council give first and second reading to City of West Kelowna Official Community Plan Amendment Bylaw No. 0100.56, 2019; and THAT Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.76, 2019; and THAT Council direct staff to schedule the proposed bylaw amendments for Public Hearing.	C231/19

ALTERNATE MOTIONS:

Alternate Motion 1: Postpone Consideration

THAT Council postpone third reading to City of West Official Community Plan Amendment Bylaw No. 0100.56, 2019, and Zoning Amendment Bylaw No. 0154.76, 2019 (File: Z 19-05).

Should Council wish to postpone third reading, it is requested that direction be provided as part of the Council resolution.

Alternate Motion 2: Deny Bylaw Amendments

THAT Council rescind first and second readings of City of West Official Community Plan Amendment Bylaw No. 0100.56, 2019, and Zoning Amendment Bylaw No. 0154.76, 2019 (File: Z 19-05), and abandon the bylaws.

Should Council deny the proposed bylaw amendments, the application will be closed in accordance with Development Applications Procedures Bylaw No. 0260. Council shall not reconsider an application of this nature for the property for a period of six months.

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

PowerPoint: Yes ☒ No ☐

Attachments:

1. Official Community Plan Amendment Bylaw No. 0100.56
2. Zoning Amendment Bylaw No. 0154.76
3. OCP Amendment Plan
4. Rezoning Plan
5. Context Map
6. Subject Property Map